

**REPORT OF THE AUDIT OF THE
MCCREARY COUNTY
SHERIFF'S SETTLEMENT - 2003 TAXES**

September 10, 2004



**CRIT LUALLEN
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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robbie Rudolph, Secretary

Finance and Administration Cabinet

Honorable Blaine Phillips, McCreary County Judge/Executive

Honorable Clarence Perry, McCreary County Sheriff

Members of the McCreary County Fiscal Court

The enclosed report prepared by Ross & Company, PLLC, Certified Public Accountants, presents the McCreary County Sheriff's Settlement - 2003 Taxes as of September 10, 2004.

We engaged Ross & Company, PLLC to perform the financial audit of this statement. We worked closely with the firm during our report review process; Ross & Company, PLLC evaluated the McCreary County Sheriff's internal controls and compliance with applicable laws and regulations.

Respectfully submitted,

Crit Luallen

Auditor of Public Accounts

Enclosure



**REPORT OF THE AUDIT OF THE
MCCREARY COUNTY
SHERIFF'S SETTLEMENT - 2003 TAXES**

September 10, 2004

ROSS & COMPANY, PLLC
Certified Public Accountants
800 Envoy Circle
Louisville, KY
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
MCCREARY COUNTY
SHERIFF'S SETTLEMENT - 2003 TAXES

September 10, 2004

Ross & Company, PLLC has completed the audit of the Sheriff's Settlement - 2003 Taxes for McCreary County Sheriff as of September 10, 2004. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$2,555,014 for the districts for 2003 taxes, retaining commissions of \$85,061 to operate the Sheriff's office. The Sheriff distributed taxes of \$2,465,983 to the districts for 2003 Taxes. Taxes of \$21,687 are due to the districts from the Sheriff and refunds of \$21,949 are due to the Sheriff from the taxing districts.

Report Comments:

- The Sheriff Should Settle His 2003 Tax Account
- The Sheriff Should Require The Depository Institution To Pledge Or Provide Additional Collateral To Protect Deposits
- The Sheriff Lacks Adequate Segregation Of Duties

Deposits:

On November 14, 2003 \$396,537 of the McCreary County Sheriff's deposits of public funds were uninsured and unsecured by bank securities or bonds.

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Independent Auditor's Report

We have audited the McCreary County Sheriff's Settlement - 2003 Taxes as of September 10, 2004. This tax settlement is the responsibility of the McCreary County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the McCreary County Sheriff's taxes charged, credited, and paid as of September 10, 2004, in conformity with the modified cash basis of accounting.


In accordance with Government Auditing Standards, we have also issued our report dated October 1, 2004, on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

To the People of Kentucky
Honorable Ernie Fletcher, Governor
Robbie Rudolph, Secretary
Finance and Administration Cabinet
Honorable Blaine Phillips, McCreary County Judge/Executive
Honorable Clarence Perry, McCreary County Sheriff
Members of the McCreary County Fiscal Court

Based on the results of our audit, we present the accompanying comments and recommendations, included herein, which discuss the following report comments:

- The Sheriff Should Settle His 2003 Tax Account
- The Sheriff Should Require The Depository Institution To Pledge Or Provide Additional Collateral To Protect Deposits
- The Sheriff Lacks Adequate Segregation of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ross & Company", written in a cursive, flowing style.

Ross & Company, PLLC

Audit fieldwork completed -
October 1, 2004

MCCREARY COUNTY
CLARENCE PERRY, COUNTY SHERIFF
SHERIFF'S SETTLEMENT - 2003 TAXES

September 10, 2004

<u>Charges</u>	<u>County Taxes</u>	<u>Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 305,074	\$ 529,809	\$ 1,047,075	\$ 345,211
Tangible Personal Property	35,008	36,382	69,502	51,539
Intangible Personal Property				20,331
Fire Protection	1,086			
Increases Through Exonerations	677	1,159	2,324	763
Franchise Corporation	83,223	95,031	192,137	
Additional Billings	308	538	1,058	347
Unmined Coal - 2003 Taxes	2,387	4,166	8,191	2,690
Oil and Gas Property Taxes	177	310	609	200
Penalties	3,719	6,407	12,649	4,242
Adjusted to Sheriff's Receipt		25	41	14
Gross Chargeable to Sheriff	<u>\$ 431,659</u>	<u>\$ 673,827</u>	<u>\$ 1,333,586</u>	<u>\$ 425,337</u>
<u>Credits</u>				
Exonerations	\$ 14,975	\$ 25,964	\$ 51,381	\$ 16,873
Discounts	4,156	6,756	13,295	5,295
Delinquents:				
Real Estate	22,652	39,200	77,646	25,499
Tangible Personal Property	666	707	1,322	1,043
Uncollected Franchise	493	471	1,001	
Total Credits	<u>\$ 42,942</u>	<u>\$ 73,098</u>	<u>\$ 144,645</u>	<u>\$ 48,710</u>
Taxes Collected	\$ 388,717	\$ 600,729	\$ 1,188,941	\$ 376,627
Less: Commissions *	<u>16,808</u>	<u>16,291</u>	<u>35,668</u>	<u>16,294</u>
Taxes Due	\$ 371,909	\$ 584,438	\$ 1,153,273	\$ 360,333
Taxes Paid	349,681	583,417	1,209,556	359,675
Comissions Refunded from School			36,346	
Refunds (Current and Prior Year)	<u>576</u>	<u>1,039</u>	<u>1,961</u>	<u>656</u>
Due Districts or (Refunds Due Sheriff)		**		
as of Completion of Fieldwork	<u>\$ 21,652</u>	<u>\$ (18)</u>	<u>\$ (21,898)</u>	<u>\$ 2</u>

* and ** See Next Page.

The accompanying notes are an integral part of this financial statement.

MCCREARY COUNTY
 CLARENCE PERRY, COUNTY SHERIFF
 SHERIFF'S SETTLEMENT - 2003 TAXES
 September 10, 2004
 (Continued)

* Commissions:

10% on	\$	10,000
4.25% on	\$	1,071,764
3% on	\$	1,188,941
1% on	\$	284,309

** Special Taxing Districts:

Library District	\$	8
Health District		5
Soil Conservation		2
North McCreary Fire		2
Central McCreary Fire		(22)
South McCreary Fire		16
Eagle-Sawyer Fire		(17)
West McCreary Fire		(12)
		<hr/>
Due Districts or (Refunds Due Sheriff)	\$	<u>(18)</u>

MCCREARY COUNTY
NOTES TO FINANCIAL STATEMENT

September 10, 2004

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. The Sheriff entered into a written agreement with the depository institution and met requirements (a), (b), and (c) stated above. However, as of November 14, 2003, the collateral and FDIC insurance together did not equal or exceed the amount on deposit, leaving \$396,537 of public funds uninsured and unsecured.

MCCREARY COUNTY
 NOTES TO FINANCIAL STATEMENT
 September 10, 2004
 (Continued)

Note 2. Deposits (Continued)

The county official's deposits are categorized below to give an indication of the level of risk assumed by the county official as of November 14, 2003.

	<u>Bank Balance</u>
FDIC insured	\$ 100,000
Collateralized with securities held by pledging depository institution in the county official's name	1,200,000
Uncollateralized and uninsured	<u>396,537</u>
Total	<u><u>\$ 1,696,537</u></u>

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2003. Property taxes were billed to finance governmental services for the year ended June 30, 2004. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 22, 2003, through June 30, 2004.

B. Unmined Coal Taxes

The tangible property tax assessments were levied as of January 1, 2003. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was February 25, 2004 through June 30, 2004.

Note 4. Interest Income

The McCreary County Sheriff earned \$953 as interest income on 2003 taxes. As of October 1, 2004, the Sheriff is due \$21 in interest from the school district and owes \$21 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The McCreary County Sheriff collected \$22,396 of 10% add-on fees allowed by KRS 134.430(3). This amount will be used to operate the Sheriff's office.

Note 6. Advertising Costs And Fees

The McCreary County Sheriff collected \$959 of advertising costs and \$1,075 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the county as required by statute, and the advertising fees will be used to operate the Sheriff's office.

COMMENTS AND RECOMMENDATIONS

MCCREARY COUNTY
CLARENCE PERRY, COUNTY SHERIFF
COMMENTS AND RECOMMENDATIONS

As of September 10, 2004

STATE LAWS AND REGULATIONS:

The Sheriff Should Settle His 2003 Tax Account

The Sheriff owes the following districts for 2003 Tax Collections:

State	\$	2
County		21,652
Library		8
Health		5
Soil Conservation		2
North McCreary Fire		2
South McCreary Fire		16

The Sheriff is due refunds from the following districts:

School	\$	21,898
Central McCreary Fire		22
Eagle-Sawyer Fire		17
West McCreary Fire		12

The amounts listed for the county and school district is due to an error made by the Sheriff on the November Franchise monthly report. We recommend the Sheriff collect the refunds and pay the districts listed above.

Sheriff's Response:

None.

The Sheriff Should Require The Depository Institution To Pledge Or Provide Additional Collateral To Protect Deposits

On November 14, 2003, \$396,537 of the Sheriff's deposits of public funds in depository institutions were uninsured and unsecured. According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with Federal Deposit Insurance Corporation insurance, equals or exceeds the amount of public funds on deposit at all times. We recommend that the Sheriff require the depository institution to pledge or provide collateral in an amount sufficient to secure deposits of public funds at all times.

Sheriff's Response:

None.

MCCREARY COUNTY
CLARENCE PERRY, COUNTY SHERIFF
COMMENTS AND RECOMMENDATIONS
As of September 10, 2004
(Continued)

INTERNAL CONTROL - REPORTABLE CONDITIONS:

The Sheriff Lacks Adequate Segregation of Duties

Due to the entity's diversity of official operations, small size and budget restrictions, the official has limited options for establishing an adequate segregation of duties. The Sheriff has assigned one deputy to perform all of the accounting functions of the office. We recommend that the Sheriff or someone else periodically review this work in order to create compensating controls to offset this internal control weakness. Examples of compensating controls are:

- The Sheriff should periodically compare a daily bank deposit to the daily checkout sheet and then compare the daily checkout sheet to the receipts ledger. Any differences should be reconciled. He could document this by initialing the bank deposit, daily checkout sheet, and receipts ledger.
- The Sheriff should compare the monthly tax reports to receipts and disbursements ledgers for accuracy. Any differences should be reconciled. The Sheriff could document this by initialing the monthly tax reports.
- The Sheriff should periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. The Sheriff could document this by initialing the bank reconciliation and the balance in the checkbook.

Sheriff's Response:

None.

REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

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The Honorable Blaine Phillips, McCreary County Judge/Executive
The Honorable Clarence Perry, McCreary County Sheriff
Members of the McCreary County Fiscal Court

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the McCreary County Sheriff's Settlement - 2003, Taxes as of September 10, 2004, and have issued our report thereon dated October 1, 2004. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the McCreary County Sheriff's Settlement - 2003 Taxes as of September 10, 2004, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance that are required to be reported under Government Auditing Standards and which are described in the accompanying comments and recommendations.

- The Sheriff Should Settle His 2003 Tax Account
- The Sheriff Should Require The Depository Institution To Pledge Or Provide Additional Collateral To Protect Deposits

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the McCreary County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. The reportable condition is described in the accompanying comment and recommendation.

- The Sheriff Lacks Adequate Segregation Of Duties

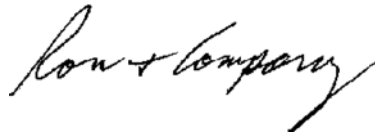
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ross & Company", is written in black ink.

Ross & Company, PLLC

Audit fieldwork completed -
October 1, 2004

